

129



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,751	01/30/2001	Patrick Davis	20162-000210	5569

20350 7590 11/10/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

EXAMINER

JARRETT, RYAN A

ART UNIT PAPER NUMBER

2125

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,751

Applicant(s)

DAVIS ET AL.

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 20-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) # _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 4, 5, and 13-16 are objected to because of the following informalities:

In claim 4, "said member" should read "said signal member" for antecedent basis clarity.

In claims 5 and 13, "a generation system" should read "an external generation system", and "a transmission system" should read "an external transmission system" for clarity.

In claim 14 line 2, one instance of "thereby" should be deleted.

In claim 15, "said generating equipment" should read "said generating device" for antecedent basis purposes.

In claim 16, "claim 9" should read claim "claim 15" due to the lack of antecedent basis for "said V-GEN control panel"

In claim 16, both instances of "said generating equipment" should read "said generating device" for antecedent basis purposes.

Additionally, all instances of "an power" in the claims should read "a power".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 15 recites the trademark name "V-GEN". This trademark name should be removed from the claims. See MPEP 2173.05(u). Claims 16-19 depend from claim 15 and thus incorporate the same deficiency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Collins et al. U.S. Patent No. 6,553,418. Collins et al. discloses:

1. A method for deploying distributed load reduction within a power supply network, said method comprising: (a) sending a first electronic signal from a signal hub (e.g., Fig. 1 #12) to a device within a power user's facility, wherein said device is a member selected from generating equipment (e.g., Fig. 1 #42, col. 3 line 63 – col. 4 line 21) and power using devices, said signal activating or deactivating the device (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48); (b) sending a confirming electronic signal

from said device to said signal hub to confirm that said device is activated or deactivated in response to said first signal (e.g., col. 2 line 58 – col. 3 line 17, col. 3 line 63 – col. 4 line 21, col. 6 lines 52-65); and (c) sending a second signal from said signal hub to said device to activate or deactivate said device (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48).

2. The method according to claim 1, wherein a member selected from said first signal, said confirming signal, said second signal and combinations thereof are delivered using a wide area network (e.g., col. 3 lines 42-50).

3. The method according to claim 2, wherein said wide area network is the Internet (e.g., col. 3 lines 42-50).

4. The method according to claim 2, wherein said member is delivered using TCP/IP (e.g., col. 3 lines 42-50).

5. The method according to claim 1, wherein said device is activated or deactivated in response to a member selected from the group consisting of load conditions within said power user's facility, within a generation system, within a transmission system and combinations thereof (col. 8 lines 10-48).

6. The method according to claim 1, wherein more than one device in said power user's facility is activated or deactivated in response to said first signal (e.g., col. 3 line 51 – col. 4 line 21).

7. The method according to claim 1, wherein a device in more than one power user's facility is activated or deactivated in response to said first signal (e.g., col. 4 line 61 – col. 5 line 5).

8. The method according to claim 1, wherein said signal hub is hotlinked to one or more computer systems controlling a member selected from the group consisting of external transmission systems, external generating systems (e.g., col. 5 lines 30-35, Fig. 1 #36, col. 8 lines 43-48) and combination thereof.

9. A method for deploying distributed load reduction within a power supply network by remotely activating a power-generating device within a power user's facility, said method comprising: (a) sending a first electronic signal from a signal hub (e.g., Fig. 1 #12) to a power generating device (e.g., Fig. 1 #42) within a power user's facility, thereby activating said device (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48); (b) sending a confirming electronic signal from said device to said signal hub to confirm that said

Art Unit: 2125

device is activated in response to said first signal (e.g., col. 2 line 58 – col. 3 line 17, col. 3 line 63 – col. 4 line 21, col. 6 lines 52-65); and (c) sending a second signal from said signal hub to said device to deactivate said device (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48).

10. The method according to claim 9, wherein a member selected from said first signal, said confirming signal, said second signal and combinations thereof are delivered using a wide area network (e.g., col. 3 lines 42-50).

11. The method according to claim 10, wherein said wide area network is the Internet (e.g., col. 3 lines 42-50).

12. The method according to claim 10, wherein said member is delivered using TCP/IP (e.g., col. 3 lines 42-50).

13. The method according to claim 9, wherein said device is activated or deactivated in response to a member selected from the group consisting of load conditions within said power user's facility, within a generation system, within a transmission system and combinations thereof (e.g., col. 8 lines 10-48).

14. The method according to claim 9, wherein said activating said device utilizes a start sequence that includes actuation of an auto transfer switch (e.g., col. 8 lines 21-48) thereby disengaging utility-provided power.

15. The method according to claim 9, wherein said first signal and said second signal are transmitted from said signal hub to a control panel (e.g., Fig. 1 #18, Fig. 1 #42) operatively linked to said generating device, and said confirming signal is sent from said control panel to said signal hub.

16. The method according to claim 15, wherein said control panel monitors power output of said generating device and, using monitored output prepares a calculated real time load on said generating device (e.g., col. 2 line 58 – col. 3 line 17, col. 3 line 63 – col. 4 line 21).

17. The method according to claim 16, wherein said calculated real time load is transmitted to said signal hub (e.g., e.g., col. 2 line 58 – col. 3 line 17, col. 3 line 63 – col. 4 line 21).

18. The method according to claim 17, wherein said signal hub continuously monitors said calculated load and responds to increases in said load by a member selected from the group consisting of deploying additional power generating equipment, providing additional utility-provided power, deactivating power-

Art Unit: 2125

using equipment within said power user's facility and combinations thereof (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48).

19. The method according to claim 17, wherein said signal hub continuously monitors said calculated load and responds to decreases in said load by a member selected from the group consisting of deactivating power generating equipment, decreasing utility-provided power, activating power using equipment within said power user's facility and combinations thereof (e.g., col. 5 line 65 – col. 6 lines 6, col. 8 lines 10-48).

7. Claims 1, 5, 6, 8, 9 and 13-19 are additionally rejected under 35 U.S.C. 102(b) as being anticipated by Alenduff et al. U.S. Paten No. 4,731,547. Alenduff et al. discloses:

1. A method for deploying distributed load reduction within a power supply network, said method comprising: (a) sending a first electronic signal from a signal hub (e.g., Fig. 1 #38) to a device within a power user's facility, wherein said device is a member selected from generating equipment (e.g., Fig. 1 #24) and power using devices, said signal activating or deactivating the device (e.g., Fig. 1 "START/STOP" signal); (b) sending a confirming electronic signal from said device to said signal hub to confirm that said device is activated or deactivated in response to said first signal (e.g., Fig. 1 "STATUS" signal); and (c) sending a second signal from said signal hub to said device to activate or deactivate said device (e.g., Fig. 1 "START/STOP" signal).

5. The method according to claim 1, wherein said device is activated or deactivated in response to a member selected from the group consisting of load conditions within said power user's facility, within a generation system, within a transmission system and combinations thereof (e.g., col. 3 lines 7-50).

6. The method according to claim 1, wherein more than one device in said power user's facility is activated or deactivated in response to said first signal (e.g., col. 8 lines 5-20).

8. The method according to claim 1, wherein said signal hub is hotlinked (e.g., Fig. 1 #42, Fig. 1 #22) to one or more computer systems (e.g., Fig. 1 #30, Fig. 1 #14) controlling a member selected from

the group consisting of external transmission systems, external generating systems (e.g., Fig. 1 #24, Fig. 1 #14) and combinations thereof.

9. A method for deploying distributed load reduction within a power supply network by remotely activating a power-generating device within a power user's facility, said method comprising: (a) sending a first electronic signal from a signal hub (e.g., Fig. 1 #38) to a power generating device (e.g., Fig. 1 #24) within a power user's facility, thereby activating said device (e.g., Fig. 1 "START/STOP" signal); (b) sending a confirming electronic signal from said device to said signal hub to confirm that said device is activated in response to said first signal (e.g., Fig. 1 "STATUS" signal); and (c) sending a second signal from said signal hub to said device to deactivate said device (e.g., Fig. 1 "START/STOP" signal).

13. The method according to claim 9, wherein said device is activated or deactivated in response to a member selected from the group consisting of load conditions within said power user's facility, within a generation system, within a transmission system and combinations thereof (e.g., col. 3 lines 7-50).

14. The method according to claim 9, wherein said activating said device utilizes a start sequence that includes actuation of an auto transfer switch (e.g., Fig. 1 #34, col. 1 lines 65-68, col. 8 lines 15-18) thereby disengaging utility-provided power.

15. The method according to claim 9, wherein said first signal and said second signal are transmitted from said signal hub to a control panel (e.g., Fig. 1 #30) operatively linked to said generating device, and said confirming signal is sent from said control panel to said signal hub.

16. The method according to claim 15, wherein said control panel monitors power output of said generating device and, using monitored output prepares a calculated real time load on said generating device (e.g., Fig. 1 "POWER" signal).

17. The method according to claim 16, wherein said calculated real time load is transmitted to said signal hub (e.g., Fig. 1 "POWER" signal).

18. The method according to claim 17, wherein said signal hub continuously monitors said calculated load and responds to increases in said load by a member selected from the group consisting of deploying additional power generating equipment, providing additional utility-provided power, deactivating power-using equipment within said power user's facility and combinations thereof (e.g., col. 3 lines 7-50).

Art Unit: 2125

19. The method according to claim 17, wherein said signal hub continuously monitors said calculated load and responds to decreases in said load by a member selected from the group consisting of deactivating power generating equipment, decreasing utility-provided power, activating power using equipment within said power user's facility and combinations thereof (e.g., col. 3 lines 7-50).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 7, and 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Alenduff et al. as applied to claims 1 and 9 above, and further in view of Collins et al.

10. Regarding claims 2-4 and 10-12, Alenduff et al. does not disclose that the signals are delivered by a WAN, Internet, or TCP/IP. However, Collins et al. discloses monitoring computers (e.g., Fig. 1 #56) that receive energy device usage data over the Internet (e.g., col. 7 lines 19-62), the energy devices also being controlled over the Internet (e.g., Fig. 1 #12, #18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alenduff et al. with Collins et al. since Collins et al. teaches that such a setup allows for the energy devices (i.e., generators) to be monitored and controlled from a remote location using commercially available computers (e.g., col. 7 lines 19-62).

11. Regarding claim 7, Alenduff et al. does not disclose that a device in more than one facility is activated or deactivated in response to the signal. However, Collins et al. discloses an energy information and control system in which devices in plural facilities can be monitored and controlled from a central location (e.g., col. 4 line 61 – col. 5 line 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alenduff et al. with Collins et al. since Collins et al. teaches that such a setup allows for a customer with multiple buildings at distinct remote locations to monitor and control the generators for those buildings from a central location.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2125

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

11/5/04

A handwritten signature in black ink, appearing to read "Leo Picard", written in a cursive style.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100